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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

RICHARD B. WOODFORD,

Plaintiff,

v.

ROB ROBILLARD, et al.,

Defendants.

**COURT DEFENDANTS' MOTION TO
DISMISS**

Case No. 2:11-cv-00370

Judge Clark Waddoups

Pursuant to Rule 12(b)(6) of the *Federal Rules of Civil Procedure*, Fifth District Court Washington County and "Fifth District Court Records Department," (collectively, "Court Defendants"), through their undersigned counsel, respectfully move this Court for an order dismissing all of Plaintiff Richard Woodford's ("Plaintiff") claims against them

with prejudice, on the merits, and without leave to amend, and for such other relief as this Court deems proper.

The bases for this Motion are that, first, the Eleventh Amendment bars Plaintiff's claims against the Fifth District Court because it is an arm of the state. Second, Plaintiff's complaint does not meet the basic rule 12(b) standard. Third, all of Plaintiff's § 1983 claims are barred because the Fifth District Court is not a "person" for purposes of § 1983. Fourth, Plaintiff's state law claim alleging defamation fails for failure to provide a notice of claim. As a result, this Court should grant Court Defendants' Motion and dismiss the Complaint for failure to state any supportable claim as a matter of law.

This Motion is supported by a memorandum of points and authorities, filed concurrently herewith, together with the documents and the pleadings on file herein.

DATED this 23rd of June, 2011.

MARK L. SHURTLEFF
Utah Attorney General

/s/ Scott D. Cheney
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CERTIFICATE OF MAILING

I certify that on June 23, 2011 I electronically filed the foregoing **COURT DEFENDANTS' MOTION TO DISMISS**, using the Court's CM/ECF system and I also certify that a true and correct copy of the foregoing was sent by United States mail, postage prepaid, to the following:

Richard Woodford
P.O. Box 1596
St. George, UT 84771

/s/ Yvonne Schenk